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AKZO NOBEL INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
120 WHITE PLAINS ROAD 3<sup>RD</sup> FLOOR  
TARRYTOWN NY 10591

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DEC 13 2006

In re Application of  
Van Rooyen et al  
Application No. 09/992,995  
Filed: November 6, 2001  
Attorney Docket No. ACO2837US

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition filed December 7, 2006, which is being treated as a petition under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance has not yet been mailed. While, the petition states that the issue fee in this application was paid on September 13, 2006, the issue fee was in reply to the Notice of Allowance mailed on August 7, 2006. A petition to withdraw from issue was filed on September 20, 2006 and granted on September 26, 2006. Therefore, the petition submitted on December 7, 2006 is premature since a new Notice of Allowance has not been mailed.

Since the petition and RCE is premature the fees will be refunded to petitioner's deposit account no. 01-1350 as authorized. It is noted that the Office incorrectly charged the fee for a one month extension of time (\$120) instead of the petition fee of \$130.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

Karen Creasy  
Petitions Examiner  
Office of Petitions